

Order of Location
OF TRACKS OF THE
Boston & Worcester
Street Railway Company
IN THE
TOWN OF SOUTHBOROUGH,
TOGETHER WITH
CONTRACT
SIGNED BY BOTH PARTIES AT INTEREST.

MARLBOROUGH, MASS. :
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1903.

LOCATION GRANTED TO THE BOSTON & WORCESTER STREET RAILWAY COMPANY.

WHEREAS, the Directors of the Boston & Worcester Street Railway Company, a corporation organized and existing under the laws of the Commonwealth of Massachusetts, by their petition presented to the Board of Selectmen of the Town of Southborough, May 21, 1902, asked for the location of the tracks of said Company in the Town of Southborough on the Parkerville Road, on the Centre Road, on the Cordaville Road, on the road to White's Corner and on the Boston and Worcester Turnpike; and

Further asked that said Company be allowed to operate cars on said tracks by electricity, and to erect and use such poles, wires and appliances upon, over and under the streets and public highways embraced in said location, as may be necessary for the operation of said railway, and due notice having been given to all parties interested and a hearing having been had on the said petition, as required by law, in accordance with said notice;

NOW THEREFORE

IT IS ORDERED, that the Boston & Worcester Street Railway Company be, and the same is, hereby granted a location across the Parkerville Road, between a point eighteen hundred eleven (1811) feet south of the Boston & Worcester Turnpike, and a point twenty hundred sixty-one (2061) feet south of the Boston & Worcester Turnpike, from the westerly side thereof to the easterly side thereof.

On the Centre Road at a point about twelve hundred (1200) feet south of the Boston and Worcester Turnpike across said road, from the westerly side thereof to the easterly side thereof.

On the Cordaville Road between a point nine hundred and fifty (950) feet south of said turnpike, and a point eleven hundred and fifty (1150) feet south of said turnpike across said road, from the westerly side thereof to the easterly side thereof.

Across the Kaler road to the Boston and Worcester Turnpike at White's Corner from the Westerly side of the first named road in a northeasterly direction to the northerly side of said turnpike.

Along the northerly side of said Boston and Worcester Turnpike southerly of and parallel with the tracks of the Framingham, Southborough and Marlborough Street Railway Company, from White's Corner easterly a distance of seventeen hundred (1700) feet.

Provided, however, that nothing in this location shall be construed to authorize the Boston and Worcester Street Railway Company to interfere with the location heretofore granted by the Selectmen of the Town of Southborough to the Framingham, Southborough, and Marlborough Street Railway Company, without the consent of said last-named company.

With a right to construct and maintain such sidings, turnouts and switchches where designated by said Selectmen, and to operate cars upon the tracks, herein described, by electricity and to erect and use such poles wires and appliances upon the location hereinbefore described as may be necessary. All of said locations and rights are granted upon the terms and conditions and subject to the obligations hereinafter set forth.

TERMS, CONDITIONS AND OBLIGATIONS.

CONSTRUCTION.

Said Railway Company shall build and maintain its tracks above the surface of said Parkerville Road. The grade of highway to remain unchanged, location of railway at this point to be as shown by black line on plan of Parker & Bateman, dated Jan. 17, 1903. The clear space between the finished surface of highway and the underside of railway

bridge to be not less than 14 feet. The clear space between faces of foundations of abutments to be not less than twenty-five feet measured at right angles with centre line of highway. The abutment walls to be built of Class A granite masonry laid in cement. The superstructure shall consist of steel girders of approved strength. All work shall be left in good condition and to the satisfaction of the Selectmen.

Said Railway Company shall construct and maintain its tracks beneath the surface of the Centre Road, on the line indicated by the red line on plan of Parker & Bateman dated Jan. 17, 1903. The elevation of highway where it crosses line of street railway may be raised not more than seven feet. The approaches to bridge shall have not over $4\frac{1}{2}$ per cent. gradient, but the Street Railway Company may, at its option, place such excess excavation upon this road, in addition to amount necessary to secure said gradient, as may be approved by the Selectmen, said highway when elevated to be properly crowned, graded and sloped, and have a top surface of good gravel at least 6 inches thick, and wherever the present road is disturbed the same requirements shall be met.

The abutment walls shall be of suitable masonry. The superstructure shall consist of steel girders suitably painted, with floor consisting of two courses of Southern pine planks, the lower three inches thick and the upper two inches thick, laid at right angles to length of bridge. A guard fence shall be built four feet high with boards nailed upright and spaced $\frac{1}{2}$ inch apart, the whole thoroughly braced and painted. The clear space between fences to be 25 feet.

Said Railway Company shall build and maintain its tracks beneath the surface of said Cordaville Road in the location indicated by the red line of plan of Parker & Bateman dated January 17, 1903. The elevation of highway at point of crossing may be raised not more than ten feet. The approaches to bridge shall not have a gradient of over 4 per cent., although the street railway company may as at Centre Road deposit excess of excavation upon this road subject to the Selectmen's approval. The conditions applying to the abutments of bridge and superstructure and the guard fence, shall be the same as at the Centre Road Crossing. At the Cordaville and Centre Road Crossings wherever the side slopes shall exceed

4-1 guard rails shall be built similar to that in use by the Massachusetts Highway Commission, the clear space between guard rails shall not be less than twenty-five feet. The watering trough at the Cordaville road shall be raised up and properly set to meet the new condition provided the elevation of the supply will permit.

The surface of said highways wherever the same are altered or disturbed by the work rendered necessary by this location shall be suitably graded and surfaced with good gravel and left in good condition satisfactory to the Selectmen, but the Railway Company shall be under no obligation to maintain said highways or to pay to said town for any portion of the maintenance thereof, except as herein provided.

Dry stone wells six inches from trunks of trees and of the same height as filling shall be constructed around the trees bordering on the Cordaville Road.

At its intersection with said Parkerville, Centre and Cordaville Roads said Railway Company shall construct and maintain convenient platforms and waiting-sheds substantially on a level with its tracks under, over or near said highways, with convenient steps and approaches to and from said highways, and shall cause said platforms, waiting-sheds and steps to be suitably and sufficiently lighted during the hours in which cars are operated after sunset.

Before commencing the construction of the bridges, abutments and approaches herein specified at the Parkerville, Centre and Cordaville Roads, said Railway Company shall present to the Board of Selectmen plans showing the design and structure of the work required and shall obtain from the Selectmen their approval of the same with reference to design, position and method of construction.

In the event that any additional land is necessary outside the present limits of the highways for the slopes where the grades of the Centre and Cordaville Roads are changed, said Railway Company shall acquire said land and convey it free of expense to the Town for highway purposes.

Said railway shall be constructed across the Kaler road and on the Boston and Worcester Turnpike level with the present grade of said

roads respectively.

At its crossing with the Centre and Cordaville Roads the feed and other wires used by said Railway Company shall be carried beneath the bridges to be constructed as above described.

And at the Parkerville Road, the feed and other wires used by said Company shall be carried over the bridges to be constructed as above.

At the crossing with the Kaler road and on the Boston & Worcester turnpike, wires shall be erected and maintained at an elevation of not less than eighteen feet above the travelled way. Wherever said tracks are constructed at grade with the highway, the rails shall be of the T rail type, and the tracks shall be paved with macadam paving between the rails and for a space of eighteen inches outside the rails. Said Company shall construct and maintain its tracks where highways are crossed at grade, at such angles with the same, as the Selectmen shall approve.

At the crossing with the Kaler road, so-called, said paving shall extend a distance of twelve and one-half feet either side of the centre of the travelled way, and on said turnpike, said paving shall be placed between the rails and eighteen (18) inches outside of said rails on either side. The poles used for carrying the wires upon the highways shall be of straight timber and painted and kept painted a dark green color.

Said Railway Company shall widen said turnpike ten (10) feet on the southerly side thereof for a distance of seventeen hundred (1700) feet easterly from White's Corner, and for that purpose shall extend the culverts, suitably fill and grade the surfaces, take down and re-erect the walls on the southerly side of said highway as thus widened, all to the satisfaction of the Selectmen, and shall obtain from the Metropolitan Water Board the land necessary for such widening, and cause the same to be conveyed by proper instruments to the Town of Southborough for highway purposes.

Said Railway shall construct and maintain suitable and sufficient drains and catch basins, satisfactory to said Selectmen, where its road crosses any highway at the same grade therewith.

At all points where said Railway Company is located upon said highways at the same grade therewith, it shall erect and maintain sufficient incandescent lights of at least thirty-two candle power during the hours in which cars are operated after sunset in each day in every year.

During the construction of said railway, said Company shall maintain safe and convenient ways for public travel, satisfactory to the Selectmen, over or around the streets and roads over which its location is granted; and shall suitably light, guard and protect the same; and shall repair any injury and wear to all streets, roads or bridges used by them or their agents in constructing said railway; and in hauling materials therefor, during said construction, at its own proper cost and expense.

No trees shall be cut or trimmed except with the consent of the tree warden of said Town or his deputy.

No shanties, buildings or camps for the workmen, or any portion of them, employed by said Railway Company or its agents, in the construction of the foregoing work, shall be placed at any point except with the approval of said Selectmen.

A suitable inspector will be appointed by said Selectmen to watch and inspect the construction of said tracks, poles, wires and other structures hereby required, and said Railway Company shall pay said inspector the sum of \$3.00 for each day when work is carried on, from the time that said work is commenced until the same is completed to the satisfaction of the Board of Selectmen.

At any point where it shall be necessary to remove the poles and wires of any telephone, or telegraph or electric light company, the same shall be moved and properly set up by said Street Railway Company at its own proper cost and expense.


At all points where the flow of surface water is obstructed or interfered with by the construction of said tracks, said Railway Com-

pany shall provide and maintain means for its disposal satisfactory to said Selectmen.

The right is expressly reserved to said Town of Southborough to lay, construct, maintain and keep in repair sewers, drains, conduits for carrying wires and water pipes in said trees and ways, in, under or near the locations hereinbefore described, and to grant to any person or company the right to lay, construct, maintain and keep in repair sewers, drains, conduits for carrying wires and water pipes; and if it shall become necessary for said purposes, or any of them, to temporarily move any tracks or other structures of said company, the same shall be moved so far as necessary by and at the expense of said Railway Company.

Said Railway Company shall indemnify and save harmless the Town of Southborough from all loss, costs, damage and expense to which it may be put by any doings of said Railway Company, or its servants or agents; during construction it shall indemnify and save harmless said town from all claims for damages of every nature arising from the taking of any land, from the alteration of the grades of said ways, for the taking of any lands or easements for the alteration or re-location of any ways which may be made by said town to carry out the objects of this franchise, for all injuries to abutting owners, for all injuries to person or property that may be suffered by any person during the construction of the work; and the said Railway Company shall, upon notice in writing, appear and defend said town in all actions in law or equity that may be brought against it, arising from the location, construction and maintenance of said railway tracks, or the doing of any act or thing by said Railway Company, its servants or agents under this Order and shall pay all judgments and the costs thereof, which may be rendered in any such suits, and shall pay to said town any reasonable attorney's fees that may be incurred by it in such suits or actions.

No car or cars shall be operated for public service upon said Railway tracks until all of the work hereinbefore described has been completed to the satisfaction of the Board of Selectmen as signified in writing under their hands.



OPERATION.

Said Railway Company shall, within thirty days after the 15th day of November of each year beginning with November 1904 pay to the Treasurer of the Town of Southborough the sum of nine hundred dollars; in which sum may be included the excise tax provided by Revised Laws, Chapter 14, Sections 43-47. And if in any year the excise tax provided by said Revised Laws would, if said Company's railway within the limits of said town were operated wholly in public ways, exceed said sum of nine hundred dollars, then said Company shall pay to said Treasurer said nine hundred dollars, plus the amount by which said excise tax would exceed said sum. If said excise tax does not exceed said sum of nine hundred dollars said Company shall be credited with amount thereof on account of said nine hundred dollars.

Said Railway Company shall stop its cars upon signal to take or leave passengers at the platforms hereinbefore described at the intersection of the Parkerville, Centre and Cordaville Roads.

Said Railway Company shall provide and maintain a fare not exceeding five cents for one person between any two points within the boundaries of said town and shall, if possible, provide and maintain free transfers to and from any other railway having physical connection with it, within the limits of said town of Southborough.

At all points where said tracks cross any highway at grade, said Railway Company shall bring its cars to a full stop before crossing the same, unless and only so long as otherwise permitted by said Selectmen in writing.

Before said Railway Company shall begin the construction of any portion of its said tracks or other works, it shall deliver to the Town of Southborough a bond in the penal sum of thirty thousand dollars

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(\$30,000.00) executed by said Company, with sureties satisfactory to said Selectmen, conditioned that said Railway Company will build and construct its railway bridges, highways, wires, tracks, drains, paving and other details herein prescribed according to the terms of this location. The bond shall be in the form following, to wit :

"BOND."

KNOW ALL MEN BY THESE PRESENTS, that the Boston & Worcester Street Railway Company, a corporation duly organized and existing under the laws of the Commonwealth of Massachusetts, as principal and as sureties, are holden and stand firmly bound unto the Town of Southborough, a municipal corporation in the County of Worcester, in the sum of thirty thousand dollars (\$30,000.00) to the payment of which the said Town of Southborough, its successors and assigns, we hereby jointly and severally bind ourselves, our heirs, executors, administrators and successors.

The condition of this obligation is such that if the Boston & Worcester Street Railway Company shall construct its road in the Town of Southborough in all respects in the manner and subject to the conditions contained in the order of location dated then this obligation shall be void ; otherwise it shall remain in full force and virtue.

IN TESTIMONY WHEREOF the said Boston & Worcester Street Railway Company has hereto affixed its seal and caused these presents to be executed in its name and behalf by

its thereunto
duly authorized and said sureties have severally affixed their hands and
seals this day of

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The location hereby granted is for a single track along the Boston & Worcester turnpike between the two points hereinbefore described, and for a double track across the Kaler, Cordaville, Centre and Parkerville Roads.

This order of location, with its terms, conditions and obligations, must be accepted as a whole by said Street Railway Company and unless accepted as a whole shall become null and void.

Said railway, with the bridges, structures and other works required herein, shall be completed to the satisfaction of the Board of Selectmen on or before January 1, 1904, or such later date as the Board of Selectmen may, in writing, designate; otherwise this order of location shall become null and void.

Each and every term, condition and obligation set forth in this order is imposed, because in the judgment of said Selectmen, public interest requires it; and is intended to constitute an essential part hereof; without which these locations would not have been granted.

This order of location is granted by the Selectmen of Southborough this 19th day of August, 1903.

COPY OF CONTRACT

This indenture made this 19th day of August, 1902, between the Boston and Worcester Street Railway Company, a Corporation duly organized and existing under the laws of the Commonwealth of Massachusetts and the town of Southborough, a municipal corporation existing in the County of Worcester and acting by its Selectmen duly authorized thereto.

WITNESSETH:—THAT

WHEREAS, There has on this day been granted to said Boston and Worcester Street Railway Company a location in and over certain highways in said Town of Southborough, upon certain conditions thereto attached in said location.

Now, THEREFORE, said Company for itself and its successors hereby agrees with said Town of Southborough that it will comply with and fulfill all the conditions, terms, and obligations set forth in said location and particularly will pay the annual payment of nine hundred dollars (\$900.00) with such sum in excess thereof as would equal its excise tax payable to said Town were all its tracks therein located in public ways, and that it will provide and maintain a fare not exceeding five cents for one person between any two points within the boundary of said Town and will if possible, provide and maintain free transfers to and from any other railway having physical connection with it, within the limits of said Town of Southborough, and will indemnify and save harmless said Town from all claims for damages by reason of any injury to any person caused or permitted by any act or thing done by said Company or by its agents or servants, during the construction of its railway and the performance of the work required by said location; and that it will further pay all claims against said Town for land

damages, for land or easements taken, for the purpose of widening, relocating or altering the grade of any of the ways required to be altered or relocated or changed in grade by the terms and condition of said location and will indemnify and save harmless said Town for all claims therefor.

And said town in consideration therefor will take such land as may be necessary for widening and relocating any public ways that must be widened or relocated to enable said Company to construct its railway as provided by said location.

In witness whereof the parties have hereto executed this instrument the day and year first above written.

TOWN OF SOUTHBOROUGH,

by

CHAS. L. FAIRBANKS,

EDWARD F. COLLINS,

EDWARD C. CHOATE,

Selectmen.

BOSTON & WORCESTER STREET RAILWAY CO.,

by

WILLIAM M. BUTLER, *President.*

Doc. & Worcester St. Ry. Co.

Location in

- Southborough -